UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,317	01/02/2004	Patrick Joseph Brooks	AUS920030294US1	2020

35525 7590 02/26/2009		EXAMINER	
IBM CORP (YA)		TANG, KENNETH	
C/O YEE & ASSOCIATES PC			
P.O. BOX 802333		ART UNIT	PAPER NUMBER
DALLAS, TX 75380		2195	

NOTIFICATION DATE	DELIVERY MODE
02/26/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptonotifs@yeeiplaw.com

	Application No.	Applicant(s)
Office Action Summary	10/751,317	BROOKS ET AL.
	Examiner	Art Unit	
	KENNETH TANG	2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
   Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 December 2008*.

2a)☒ This action is FINAL.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,11 and 20* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 11, and 20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1, 11, and 20 are presented for examination.

2.   This action is in response to the Amendment on 12/17/08. Applicant's arguments have

been fully considered but they are moot in view of the new grounds of rejections.

Claim Objections

3.   Claims 11 and 20 are objected to because of the following informalities: Both claims 11

and 20 can be interpreted to one of ordinary skill in the art as software, per se. The "means" of

claim 11 and "instructions" of claim 20 should be stored and executed, respectively, by a

processor. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 1, 11, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Anand (US 2002/0032590 A1) in view of Raventos (US 2002/0194244 A1), and further in

view of Fish et al. (US 6,470,073 B1) (hereinafter Fish).

5.   As to claim 1, Anand teaches a method for managing the provisioning of a plurality of

resources in a data processing system, said plurality of resources being a plurality of different

types (see Abstract, Fig. 2 and 5), said method comprising the steps of:

        defining a plurality of provisioning states for each one of said plurality of different types

of resources (page 1, [0008], page 2, [0012]-[0013], page 4, [0038], page 5, [0051]);

        defining relationships among said plurality of provisioning states, said relationships

describing valid transitions from ones of said plurality of provisioning states to other ones of said

plurality of provisioning states (page 4, [0040], [0045], page 5, [0059], page 2, [0012]); and

        defining at least one task that is associated with each one of said valid transitions,

wherein defining at least one task that is associated with each one of said valid transitions,

comprises (page 2, [0012]-[0013], page 4, [0040], [0045]):

        specifying a plurality of tasks for each one of said valid transitions (page 2,

[0012]-[0013], page 4, [0040], [0045]);

        completing said one of said valid transitions for each one of said plurality of

different types of resources (standalone computer, notebook computer, hand-held computer,

PDA, etc), wherein the same module is used regardless of which resource type is being

transitioned (page 3, [0031], [0037], page 5, [0059], page 6, [0064]-[0065]).

6.   Anand does disclose that a workflow comprises of a plurality of processing steps (page 1,

[0004], lines 1-14). However, Anand is silent in explicitly teaching the sequence/order of the

processing steps or plurality of tasks to complete the transition. Raventos teaches a transaction

based service that defines various tasks or functions that could be used on different types of

resources, namely, transactional and non-transactional resources such that the sequence order of

tasks in a completed transaction is defined/specified as well as the states of the transaction being

monitored (see Abstract, page 2, [0009] and [0021], page 6, [0044], page 8, [0055], last 6 lines of

[0057], page 10, [0068]). Anand and Raventos are analogous art because they are both in the

same field of endeavor of a transaction/workflow processing system. It would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify Anand

such that it would include the feature of providing a sequence/order for completion of the

processing steps or plurality of tasks, as taught in Raventos. The suggestion/motivation for

doing so would have been to provide the predicted result of aiding to fully and properly activate

the services of the system (page 1, last four lines of [0004], [0006], lines 1-5, [0001]).

7.   Anand and Raventos are silent in generating a state diagram for each one of said plurality

of different types of resources, each one of said plurality of different types of resources being

associated with one of said state diagrams; wherein each one of said state diagrams describing

valid transitions for said plurality of provisioning states defined for each one of said plurality of

different types of resources. However, Fish teaches a state diagram being generated for each one

of different types of resources, each one of said plurality of different types of resources being

associated with one of said state diagrams, wherein each one of said state diagrams describing

valid transitions for said plurality of provisioning states defined for each one of said plurality of

different types of resources (See Fig. 4 and Fig. 5A, col. 7, lines 1-23 and 30-53). Fish as well as

Anand in view of Raventos are analogous art because they are in the same field of endeavor of

an administrating communication system based on state machines. One of ordinary skill in the

art would have known to modify Anand in view of Raventos to include the feature of generating

a state diagram for each one of said plurality of different types of resources, each one of said

plurality of different types of resources being associated with one of said state diagrams; wherein

each one of said state diagrams describing valid transitions for said plurality of provisioning

states defined for each one of said plurality of different types of resources, as taught in Fish. The

suggestion/motivation for doing so would have been to provide the predicted result of a precise

and consistent as well as unified system for administrating the communication network (see Fish,

col. 1, lines 40-47 and col. 2, lines 49-67). Therefore, it would have been obvious to one of

ordinary skill in the art to combine Anand, Raventos, and Fish to obtain the invention of claim 1.

8.   As to claims 11 and 20, they are rejected for the same reasons as stated in the rejection of

claim 1.

Response to Arguments

9.   *Applicant argues that the references of Anand in view of Raventos do not teach the*

claims as currently amended.

In response to the amendment to the claims, new grounds of rejections were made with

respects to Anand, Raventos, and Fish, which teaches the newly amended limitation of

generating a state diagram for each one of said plurality of different types of resources, each one

of said plurality of different types of resources being associated with one of said state diagrams;

wherein each one of said state diagrams describing valid transitions for said plurality of

provisioning states defined for each one of said plurality of different types of resources (See Fig.

4 and Fig. 5A, col. 7, lines 1-23 and 30-53). During patent examination, the pending claims

must be "given their broadest reasonable interpretation consistent with the specification." *In re*

Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Applicant always has the

opportunity to amend the claims during prosecution, and broad interpretation by the examiner

reduces the possibility that the claim, once issued, will be interpreted more broadly than is

justified. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969). Since the

broadest reasonable interpretation is satisfied in the teachings of Anand, Raventos and Fish, and

that one of ordinary skill in the art would have known to combine the teachings, it was found that

the 35 USC 103 rejection based on Anand in view of Raventos, and further in view of Fish, is

proper.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure:

- Haley et al. (US 5,694,539) teaches managing a plurality of resources with the

  use of a generated state diagram 300 and the valid states and valid transitions

  between those states are represented by a resource behavior model (see Abstract,

  Fig. 3-5);

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to KENNETH TANG whose telephone number is (571)272-3772.

The examiner can normally be reached on 8:30AM - 6:00PM, Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Meng-Ai An/   /Kenneth Tang/
Supervisory Patent Examiner, Art Unit 2195   Examiner, Art Unit 2195